

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

**IN RE: NATIONAL PRESCRIPTION
OPIATE LITIGATION**

THIS DOCUMENT RELATES TO:

*The County of Summit, Ohio, et al. v.
Purdue Pharma L.P., et al.,
Case No. 18-op-45090*

MDL No. 2804

Case No. 1:17-md-2804

Judge Dan Aaron Polster

*The County of Cuyahoga, Ohio, et al. v.
Purdue Pharma L.P., et al.,
Case No. 17-op-45004*

**NOTICE OF SERVICE OF DEFENDANTS' DAUBERT MOTION TO EXCLUDE
THE OPINIONS OFFERED BY JAMES RAFALSKI**

Pursuant to the Directions Regarding Filing of Briefs Under Seal, Dkt. No. 1719, Defendants Purdue Pharma L.P., Purdue Pharma Inc., and The Purdue Frederick Company (Co-Liaison Counsel for the Manufacturer Defendants); Endo Health Solutions Inc. and Endo Pharmaceuticals Inc., Par Pharmaceutical, Inc. and Par Pharmaceutical Companies, Inc. (Co-Liaison Counsel for the Manufacturer Defendants); Cardinal Health, Inc. (Co-Liaison Counsel for the Distributor Defendants); AmerisourceBergen Drug Corporation (Co-Liaison Counsel for the Distributor Defendants); McKesson Corporation (Co-Liaison Counsel for the Distributor Defendants); and Walgreens (Liaison Counsel for the Chain Pharmacy Defendants) hereby provide notice that on June 28, 2019, they served unredacted copies of the following documents on all Parties, the Court, and the Special Masters:

- Defendants' *Daubert* Motion to Exclude the Opinions Offered by James Rafalski;
- Defendants' Memorandum in Support of Their *Daubert* Motion to Exclude the Opinions Offered by James Rafalski;
- Declaration of Katherine M. Swift in Support of Defendants' *Daubert* Motion to Exclude the Opinions Offered by James Rafalski, including Exhibits 1 through 9;
- [Proposed] Order Granting Defendants' *Daubert* Motion to Exclude the Opinions Offered by James Rafalski;
- Summary Sheet for Defendants' *Daubert* Motion to Exclude the Opinions Offered by James Rafalski (also attached hereto as Exhibit A).

Walgreens also notified the following non-parties that their confidential information may be included in the filings: the federal Drug Enforcement Administration, the Ohio Board of Pharmacy.

Dated: June 28, 2019

Respectfully submitted,

Defense Liaison Counsel

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¹ Teva Pharmaceutical Industries Ltd., Allergan plc, and Mallinckrodt plc are respectively an Israeli corporation, Irish holding company, and Irish company that are not subject to and contest personal jurisdiction for the reasons explained in their pending motions to dismiss for lack of personal jurisdiction; they are specially appearing to join this motion as a result of the Court's deadline to file dispositive and *Daubert* motions, and, thus, they do not waive and expressly preserve their pending personal jurisdiction challenges.

On June 10, 2019, Insys Therapeutics, Inc. and its affiliates each filed a voluntary case under chapter 11 of United States Bankruptcy Code in the United States Bankruptcy Court for the District of Delaware, which cases are being jointly administered under Case No. 19-11292 (KG). In light of this bankruptcy proceeding, Insys does not join any of the *Daubert* motions for summary judgment motions to be filed in the MDL Track One cases.

Noramco does not join this motion.

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CERTIFICATE OF SERVICE

I hereby certify that on this 28th day of June, 2019, a notice of the foregoing has been served via CM/ECF to all counsel of record, and copies have been served on the same by email.

/s/ Katherine M. Swift

Katherine M. Swift

*Attorney for Walgreen Co. and Walgreen
Eastern Co.*